



**STATE OF HAWAII**  
**OFFICE OF ELECTIONS**  
802 LEHUA AVENUE  
PEARL CITY, HAWAII 96782  
elections.hawaii.gov

SCOTT T. NAGO  
CHIEF ELECTION OFFICER

**TESTIMONY OF THE**  
**CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS**  
**TO THE SENATE COMMITTEE ON WAYS AND MEANS**  
**ON HOUSE BILL NO. 1248, HD 1, Proposed SD 2**  
**RELATING TO ELECTIONS**

April 4, 2019

Chair Dela Cruz and members of the Senate Committee on Ways and Means, thank you for the opportunity to testify in support of House Bill No. 1248, HD 1, Proposed SD 2. This bill implements elections by mail statewide beginning in 2022, and establishes an online voters' pamphlet program beginning in 2020.

We believe elections by mail is convenient and accessible for voters and it will streamline the administration of elections. In recent elections, more than half of voters have cast their ballot prior to election day. Additionally, we believe an online voters' pamphlet will help to inform the electorate about the contests on the ballot.

For the implementation of elections by mail, Section 55 of the proposed bill appropriates \$200,000 to the Office of Elections for voter education, which we anticipate expending in Fiscal Year 2020-2021 following the 2020 Elections. This bill also appropriates \$987,127 to the Counties in the form of grants based on the percentage of registered voters. However, we would propose that the bill appropriate a specified total for each County rather than as a percentage of voter registration. The table below details the estimated capital costs of implementing elections by mail for each County. We have not included the County of Kauai as \$75,450 was appropriated pursuant to Act 182, SLH 2018 to procure the necessary capital equipment to implement the 2020 pilot program.

County of Hawaii	328,812
County of Maui	205,695
City and County of Honolulu	<u>377,620</u>
<b>Total</b>	<b><u>\$912,127</u></b>

The Counties' estimates are for capital equipment such as a high-speed scanner/sorter to receive and validate voted mail return envelopes, as well as security cages to store validated ballots that are not being directly processed. Once elections by mail has been implemented statewide, we estimate a cost-savings of \$750,000 which is primarily based on the cost of Election Day Officials who would staff and support polling places.

As it relates to the voters' pamphlet, we would ask that Section 62 appropriate \$193,343 for the 2020 Elections to compile the pamphlet and publish and disseminate a notification postcard. The following table details our cost estimates:

	<b>Primary</b>	<b>General</b>
Printing and Mailing	72,000	72,000
Publishing	2,000	2,000
Translations	27,825	12,588
Accessible Format	2,960	1,970
<b>Total</b>	<b>\$104,785</b>	<b>\$88,558</b>

Our estimates are based on the number of candidates and questions that appeared on the 2018 Election ballots, the approximate number of households for postcards indicating the availability of the pamphlet on our website, as well as federal requirements. For example, any education materials must be provided in English, Chinese, and Ilocano in the City and County of Honolulu pursuant to the Voting Rights Act of 1965.

We would note that the voters' pamphlet should be finalized no later than the 45th day prior to any election. This ensures that we are able to meet the 45-day deadline to send ballots to voters covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Similarly, as the pamphlet would provide information about registering to vote, any postcards that are mailed should arrive at households ahead of the voter registration deadline 30 days prior to the election to notify citizens about the upcoming deadline, updating their registration, and late registration.

Thank you for the opportunity to testify in support of House Bill No. 1248, HD 1, Proposed SD 2.

JOSIAH K. NISHITA  
County Clerk



MARGARET C. CLARK  
Deputy County Clerk

**OFFICE OF THE COUNTY CLERK**

COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/county/clerk](http://www.mauicounty.gov/county/clerk)

**TESTIMONY OF JOSIAH NISHITA  
COUNTY CLERK, COUNTY OF MAUI  
TO THE SENATE COMMITTEE ON WAYS AND MEANS  
ON HOUSE BILL NO. 1248, HD 1, Proposed SD 2  
RELATING TO ELECTIONS**

**April 4, 2019**

Chair Dela Cruz and members of the Senate Committee on Ways and Means, thank you for the opportunity to testify in support of House Bill No. 1248, HD 1, Proposed SD 2. This bill will enact voting by mail uniformly for all counties beginning in 2022.

We feel that elections by mail is a more efficient and effective way to reach our voters and administer elections. Additionally, we would be prepared to implement voting by mail in 2022, and we respectfully request your support of this Bill and implementation date.

Thank you for the opportunity to provide testimony in support of House Bill No. 1248, HD 1, Proposed SD 2.



**Hawaii**

*Holding Power Accountable*

*Common Cause Hawaii • 307A Kamani St. • Honolulu, HI 96813 • 808.275.6275*

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To: The Senate Committee on Ways and Means  
From: Brodie Lockard for the Common Cause Hawaii Board  
Date: Thursday, April 4, 2019, 1:40 pm

**In strong support of HB 1248 HD1 SD1**

Dear Chair Dela Cruz, Vice Chair Keith-Agaran, and Committee Members—

Common Cause Hawaii strongly supports HB 1248 HD1 SD1.

Five states now use Vote by Mail to various degrees. The Hawaii State Office of Elections estimates approximately **\$750,000 would be saved** in each election cycle by converting to VBM. It has increased voter turnout, with very little evidence of voter fraud.

We're especially pleased to see that an online voters' pamphlet has been added to this bill. How refreshing to see a good bill get so much better!

For many years Hawaii has had the lowest voter turnout of any state. VBM makes voting easy and convenient. It requires fewer voting machines, fewer polling places, fewer poll workers and fewer lines; and causes less confusion at polling places.

Replacement ballots for lost or damaged ballots are available from the county clerks, who cancel the original ballot before issuing a replacement. In-person voting sites will continue to be available for voters who would like to vote in-person and to provide additional services to voters.

In recent years, voters have increasingly opted to vote by mail instead of voting in person at walk-in polling places. During the 2016 general election, 53.6% of Hawaii voters cast their ballots prior to Election Day.

Please pass HB 1248 HD1 SD1 to make voting information easily accessible and encourage voting for everyone in Hawaii.

Thank you for the opportunity to testify.

Brodie Lockard  
Board Member, Common Cause Hawaii



49 South Hotel Street, Room 314 | Honolulu, HI 96813  
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## COMMITTEE ON WAYS AND MEANS

Thursday, April 4, 2019, 1:40 p.m., Room 211  
HB 1248 HD1 SD1, Proposed SD2 RELATING TO ELECTIONS

### TESTIMONY

Janet Mason, Legislative Committee, League of Women Voters of Hawaii

Chair Dela Cruz, Vice-Chair Keith-Agaran and Committee Members:

**The League of Women Voters of Hawaii strongly supports voting by mail and defers to election officials who recommend beginning this with the primary election in 2020.** We support the \$1,122,127 called for in this measure (\$900 thousand for nonrecurring startup costs in Hawaii, Maui and Honolulu Counties, and \$200 thousand for annual voter education expenses statewide). This doesn't include \$75,450 appropriated last year for the Kauai 2020 "pilot" vote by mail program. By any conventional measure of financial return on investment, realizing a *\$750,000 savings per election cycle for an initial \$1,197,577 expenditure is a good investment.* A formal assessment of the savings derived through voting by mail instead of polling place voting should be included in the Office of Elections reports to the legislature for sessions 2020 through 2025.

**The League also supports the intent of the Part B amendment to this bill that provides for a comprehensive voter education effort. This bill doesn't provide an appropriation for this purpose, so apparently Part B will have to wait.**

Thank you for the opportunity to submit testimony.

To: Hawaii State Senate Committee on Ways and Means  
Hearing Date/Time: Thurs., Apr. 4, 2019, 1:40 p.m.  
Place: Hawaii State Capitol, Rm. 211  
Re: Testimony of Planned Parenthood Votes Northwest and Hawaii in support of H.B. 1248,  
H.D.1, S.D.1, S.D.2, relating to Elections

Dear Chair Dela Cruz and Members of the Committee,

Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes in support of H.B. 1248, HD1, SD1, establishing a program to allow citizens to vote by mail. PPVNH supports policies that make it easier for all eligible voters to cast a ballot and that ensure that all votes are counted equally.

Planned Parenthood believes in fairness and equal opportunity - values that form the foundation of any healthy democracy and which need to be protected. We work to ensure that our children and communities experience a democracy that embraces the principle of “One Person, One Vote.” Further, as stewards of public health we know that being able to participate in one’s community contributes significantly to an individual’s wellbeing – and knowing one’s vote counts is a crucial element to civic engagement.

Thank you for this opportunity to testify in support of this important measure.

Sincerely,

Laurie Field  
Hawaii Legislative Director

**HB-1248-SD-1**

Submitted on: 4/1/2019 2:54:54 PM

Testimony for WAM on 4/4/2019 1:40:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Leimomi Khan	Individual	Support	No

Comments:

**HB-1248-SD-1**

Submitted on: 4/2/2019 4:06:21 PM

Testimony for WAM on 4/4/2019 1:40:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chris Cooper	Individual	Oppose	No

Comments:



**HB-1248-SD-1**

Submitted on: 4/1/2019 3:16:53 PM

Testimony for WAM on 4/4/2019 1:40:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Support	No

## Comments:

While I support the intent of this bill I cannot fathom why you are waiting until 2022. There was another bill which would do the uniform voting by mail in 2020 and that is what should pass out of committee. Waiting another two years is a waste of state and county resources and kala. Already polling places are being reduced because they cannot find workers to man/woman the polls. In Hoolulu speciasl elections are conduted by mail, with one walk in site. The Council District IV race is being conducted now, with a date of April 13. This has worked well in the past.

As you are the money committee I would think you would save the money now by making this bill effective in 2020.

TO: SENATE COMMITTEE ON WAYS AND MEANS

RE: HB 1248, HD1, SD1 RELATING TO ELECTIONS.  
RELATING TO ELECTIONS.

Enacts voting by mail uniformly across all counties for all elections commencing in 2022. Establishes a limited number of voter service centers that would remain open from the tenth business day preceding an election through the day of the election to receive personal delivery of mail-in ballots, accommodate voters with special needs, offer same day registration and voting, and provide other election services. Allows for additional places of deposit for personal delivery of mail-in ballots. Appropriates funds for the implementation and administration of the election by mail program. Requires the office of elections to submit a report to the legislature prior to the convening of each regular session from 2020 through 2025, regarding the implementation of a vote by mail system. Requires the Chief Election Officer, with assistance from the county clerks for elections involving county offices and countywide ballot issues, to publish an online voters' pamphlet on the Office of Elections' public website and publish and distribute postcards notifying voters of the online voters' pamphlet website address. Appropriates moneys to allow the chief election officer to produce and distribute an online voters' pamphlet and voters' pamphlet postcards for each election. (SD2 Proposed)

FOR HEARING ON Thursday, April 4, 2019

FROM:

Kenneth R. Conklin, Ph.D.  
46-255 Kahuhipa St. Apt. 1205  
Kane'ohe, HI, 96744  
Tel. 808.247.7942

TESTIMONY IN OPPOSITION

Voting by mail, early voting, or absentee voting should be the exception — not the normal, routine, expected procedure. There are many reasons why.

Hawaii voters are being herded like sheep to vote by mailed absentee ballots (and eventually to vote electronically through the internet). Holding elections that way might save money, produce immediate final results the moment the "polls" close, and be extremely convenient for voters. But voter turnout has not improved in recent years despite easy mail-in of ballots and even-easier registration.

During the past several years news media editorials have repeatedly said that Hawaii's dismal voter turnout would be greatly improved by allowing early voting, absentee voting, mail-in voting, electronic voter registration, and same-day voter registration. Since 2010 Hawaii people have been offered the even greater convenience to never again need to apply for an absentee ballot -- just mail a request one time for permanent absentee voting. But as these methods have been adopted, voter turnout has not noticeably improved. Electronic voting by internet has even been tried for neighborhood board elections on O'ahu, but voter turnout has not improved.

**VOTING BY MAIL MAKES IT EASY FOR LARGE NUMBERS OF VOTERS TO SELL THEIR VOTES; OR FOR CANDIDATES, UNION STEWARDS, OR CORPORATE BOSSES TO INTIMIDATE VOTERS IN LARGE NUMBERS.**

In the "good old days" of in-person voting, a voter could take money and sell his vote, but could nevertheless vote for whichever candidate he wanted, because the ballot was marked in the privacy and secrecy of the voting booth. However, if a voter takes possession of an absentee ballot to be returned by mail, then someone else who buys that vote or intimidates that voter can actually watch the voter mark the ballot; can watch to be sure the ballot gets enclosed inside the official envelope and the envelope gets signed by the voter; and then can mail the envelope for the voter to be sure it gets sent in. Thus the buyer or intimidator can be absolutely certain that the vote has been cast the way the buyer or intimidator wants.

The way for a buyer or intimidator to control large numbers of votes is to demand that people apply for and receive absentee ballots to be returned by mail. Since the period for absentee voting lasts several weeks, there's

plenty of time for one buyer or intimidator to control hundreds of votes. Here are a few obvious ways to do that. A candidate who "walks his district" can use the telephone to line up voters to get absentee ballots and then make appointments; and then visit each of them at home to watch them mark the ballots, seal them in the outer mailing envelope and sign the envelope; and then take the envelopes to the post office. A union steward or company boss can instruct large numbers of workers to get absentee ballots, and then organize a meeting where everyone comes to fill out the ballots and sign the envelopes together. A candidate could also do the same thing at an assisted living facility, care home, nursing home, or hospital; meeting with a large number of absentee voters who might have painful or debilitating illnesses that distract them from paying attention; or diminished mental capacity.

These doomsday scenarios are not merely speculative. Romy Cachola was a member of Honolulu City Council. Term limits forced him out of office in 2012. He ran in the primary election on August 11, 2012 for the state House of Representatives, against first-time candidate Nicole Velasco. There are both voter narratives and statistical evidence proving that Cachola stole the election by using voter intimidation with absentee ballots. Chad Blair published articles describing what happened in Civil Beat online newspaper, on August 16

<http://www.civilbeat.com/articles/2012/08/16/16869-concerns-of-voter-intimidation-raised-in-cachola-victory/>

and August 17

<http://www.civilbeat.com/articles/2012/08/17/16880-hawaii-law-prohibits-voter-intimidation/>

Chad Blair reported "Cachola won 51 percent to 46 percent. ... But if only Election Day and early walk-in votes had been counted, Velasco would have won in a landslide, 60 percent to 36 percent. ... According to a Civil Beat analysis, more than 70 percent of those who voted for Cachola in the Democratic primary against Velasco did so via a mail-in ballot. That was by far the highest percentage in Hawaii. ... In all, 41 percent of votes cast were mail-in votes, placing Cachola's 70 percent figure in even sharper contrast. ... Civil Beat granted anonymity to a Filipino family in District 30

who says Cachola forced the grandmother of the house to complete an absentee ballot as he watched. ... "And he just like forced me to do the voting in front of him, and I did not want to. I told him, 'I have to go, I know what to do.' So I stopped what I did, then he looked at his name. I scratched it, and he watched me do it all the way until I finished." The woman said Cachola then told her to put the ballot in the state Elections Office envelope, to seal it and then give it to him to mail. He then left the house with the ballot in hand. ... The family, who supported Velasco and sign-waved on her behalf, said they told Velasco about what happened. ... There was a similar voting pattern when Cachola first ran for the City Council in 2000. In a primary election race, he won 46 percent to 43 percent over his closest competitor, Dennis Nakasato. Among mail-in absentee voters, Cachola secured 59 percent of the vote. Among those who voted in person — either on Election Day or before it — he got only 43 percent of the vote. ..."

VOTING MY MAIL, OR ABSENTEE VOTING, IS NOT ALLOWED IN THE U.S. CONGRESS OR THE HAWAII LEGISLATURE. THINK ABOUT WHY.

Anyone who watches the U.S. Senate or House on C-SPAN can see that absentee voting is not allowed for either a voice vote or a roll call vote. In the House, each of the 435 representatives can vote in a roll call only from his chair on the floor by pressing a button for "aye" or "nay" or "present (but abstain)." The votes are then tallied by a central computer and the running count is publicly displayed throughout the ten or twenty minutes set aside for voting, after which the result becomes final. In a Senate roll call vote, a period of time is allowed during which each Senator must approach the clerk's desk and be recognized by the clerk who speaks the Senator's name through a publicly audible microphone. The Senator then speaks the word "aye" or "nay" or "present", and the clerk then repeats both the Senator's name and his vote. That's very 19th Century!

Wouldn't it be much more convenient if a Representative or Senator didn't have to get on the little underground train from his office building to the Capitol building? Why can't he simply watch the proceedings on TV and

cast his vote from the comfort of his office? Think how much time and inconvenience could be saved. Indeed, why should a Representative or Senator who is ill or perhaps hospitalized a thousand miles away not be allowed to vote from his home or bed? There have been extremely dramatic, courageous incidents when a Member of Congress knew his vote could be decisive and made a point of coming in person to cast his vote, because otherwise he would not be allowed to vote. On July 22, 2012 Nicole Debevec of United Press International recalled that "Rep. William Natcher, D-Ky., who served until his death in 1994, holds the record for the most consecutive roll-call votes: 18,401 over 41 years, until an illness broke the streak. Roll Call [publication] reported Natcher was wheeled onto the House floor on a hospital gurney to cast one of his final votes." [http://www.upi.com/Top\\_News/US/2012/07/22/Politics-2012-Of-ads-and-adages/UPI-13111342944000/#ixzz23wm0cixH](http://www.upi.com/Top_News/US/2012/07/22/Politics-2012-Of-ads-and-adages/UPI-13111342944000/#ixzz23wm0cixH)

There must be very good reasons why the U.S. Congress refuses to allow absentee voting. Readers can easily figure out many of those reasons. Anytime someone suggests the Hawaii government should make elections happen entirely by mail or absentee voting, we should demand to know why a Hawaii citizen's vote is less important than a vote by a Member of Congress. And anytime an individual voter considers whether to apply for an absentee ballot, he should think about the reasons why a Representative or Senator is required to cast every vote in person, sometimes at great inconvenience and even at the risk of losing his life to get to the "polling place."

Do-gooders think society should do everything possible to increase voter participation by making it easy and convenient to vote. But perhaps it's better to require people to go out of their way to vote. If someone has such little knowledge about the candidates, or cares so little about the election that he is unwilling to make the effort to go to the polling place on election day, then perhaps we're all better off if he does not vote. Low voter turnout is evidence that people can't find candidates they consider worthy of voting for. Personally, I don't mind if voter turnout is low, because that magnifies the effectiveness of my own vote. Ignorant or apathetic people are welcome to abstain.

The right to vote should be exercised by people who know how precious is the blood and treasure sacrificed to make it possible. The founders of our nation signed the Declaration of Independence right below its closing words "... we mutually pledge to each other our Lives, our Fortunes and our sacred Honor."

Surely we can show our respect by sacrificing a few minutes to go to the polling place on election day.

#### MAIL-IN BALLOTS REJECTED FOR ERRORS GET NO SECOND CHANCE

I have served as a precinct elections official in every election for 26 years (except the general election of 2000 when I was a candidate for OHA and therefore not allowed to work in the general election). For the most recent several elections we have had voting machines which detect errors and immediately kick back a bad ballot along with a message helping the voter understand what's wrong. The voter can then get a new ballot and try again.

In the primary election of 2012, and again in 2018, I spent nearly the whole time from 7 AM to 6 PM sitting at the voting machine helping voters insert their ballots and helping them understand why bad ballots got rejected. Perhaps ten percent of ballots got rejected.

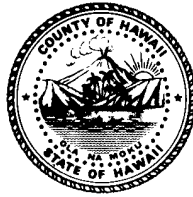
The two most frequent reasons were failure to mark the box to choose a particular political party, or voting for candidates in a political party different from the one selected (For example, vote for both Linda Lingle [R] and Mazie Hirono [D] for Senate). Some voters simply didn't understand that the purpose of a primary election is for each party to choose who will be its candidate to run against the other parties' candidates in November. In a primary election a voter must pretend for that one day to be a loyal member of one political party -- the voter must first mark the ballot to identify which party that is, and then must vote only for candidates inside that particular party (plus the non-partisan OHA and county contests on the back side). A few voters also didn't realize that "non-partisan" is actually used as a party

name on the front, and thought they could vote for a "non-partisan" candidate in addition to a Democrat or Republican etc. A few voters also voted for more than one candidate in the same contest (for example, both Tulsi Gabbard and Esther Kia'aina among the Democrat candidates for Second Congressional District).

The voting machine catches such errors and kicks back the ballot so the voter can get a replacement ballot and try again. But if an absentee ballot is mailed in, and has an error, the voter gets no second chance. Sometimes in-person voters get frustrated, angry, or disgusted when they make an error and don't want to get a replacement ballot. There is a button on the machine whereby a voter can tell the machine to accept the ballot despite the error. In that case, if the error affects only one contest, then the particular contest where the error occurred is ignored by the machine, but other contests get counted. What happens with mailed-in absentee ballots that have errors? The commonsense procedure would be for an elections official to push the button to accept the ballot despite the error, so that at least the contests without any error would get counted. But I don't know whether that's how the bureaucrats handle it. In any case, the absentee voter loses out on the opportunity he would have had at the polling place to get a replacement ballot to correct whatever error he made. It would be interesting to find out how many such errors there were among the absentee ballots, and whether the number of errors in any particular contest was larger than the margin of victory and thus could have changed the outcome of the election.



JON HENRICKS  
*County Clerk*



AARON BROWN  
*Deputy County Clerk*

**OFFICE OF THE COUNTY CLERK**

**Elections Division**  
*County of Hawai'i*  
*Hawai'i County Building*  
*25 Aupuni Street*  
*Hilo, Hawai'i 96720*

**LATE**

**TESTIMONY OF JON HENRICKS**

**COUNTY CLERK, COUNTY OF HAWAI'I**

**TO THE SENATE COMMITTEE ON WAYS AND MEANS**

**ON HOUSE BILL NO. 1248, HD 1, Proposed SD 2**

**RELATING TO ELECTIONS**

**April 3, 2019**

Chair Dela Cruz and members of the Senate Committee on Ways and Means, thank you for the opportunity to testify in support of House Bill No. 1248, HD 1, Proposed SD 2. This bill implements voting by mail statewide beginning in 2022.

Our office supports the intent of this bill. Currently, elections in our state consist of absentee voting by mail, absentee walk-in sites and Election Day voting. Absentee voting was implemented to supplement Election Day polling places to allow voters more convenient and accessible ways to vote. Individuals choosing to vote absentee has consistently increased with more than half of voters casting their ballot prior to Election Day.

We believe transitioning to a vote by mail election would increase voter turnout by creating a more convenient voter process and could allow for financial savings.

Thank you for the opportunity to testify in support of House Bill No. 1248, HD 1, SD 2.

**LATE**

**HB-1248-SD-1**

Submitted on: 4/3/2019 1:30:22 PM

Testimony for WAM on 4/4/2019 1:40:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marcia Kemble	Individual	Support	No

Comments:

This bill will help make it easier for everyone to vote and will encourage higher participation in voting.